

Ser. No. 09/913,956

Docket No. 1957.1001

**IN THE DRAWINGS:**

The attached drawings include changes to FIGs. 6-10b and 13-15b. The sheets containing FIGs. 6-10b and 13-15b replace the original sheets for same. FIGs. 6-10b and 13-15b have been amended to show SEQ ID NOS. for SEQ ID NOS. 1-3.

**REMARKS****INTRODUCTION:**

In accordance with the foregoing, claims 3 and 4 have been canceled, and claims 1, 2, 5 and 6 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-2 and 5-6 are pending and under consideration. Reconsideration is respectfully requested.

**PRIORITY:**

In the Office Action, paragraph 2, pages 2-3, the Examiner submitted that the applicants claimed foreign priority to an application filed in Korea on June 1, 1998.

It is respectfully submitted that the Combined Declaration/Power of Attorney filed August 21, 2001 indicates that said priority is not claimed. The priority date claimed under 37 U.S.C. 371 is December 21, 1999 (see Transmittal Letter to the United States Designated/Elective Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371).

**OBJECTIONS TO THE DRAWINGS:**

In the Office Action, at page 3, numbered paragraph 4, the FIGs. 6-10b and 13-15b were objected to.

Corrections to FIGS. 6-15b and 13-15b have been requested and replacement figures including the SEQ ID NOS. 1-3 have been submitted herewith. On page 7, line 8, after "or other control peptides" the terminology "wherein control peptide KKKKKK has SEQ ID NO. 4" has been inserted. SEQ ID NO. 4 has also been inserted in line 13 of page 31 of the specification after "KKKKKK"). SEQ ID NO: 5 has been inserted on page 8, line 4 after peptide EEFD DA (C). Therefore, the outstanding drawing objections should be resolved.

Reconsideration and withdrawal of the outstanding objections to the drawings are respectfully requested.

**CHANGES TO THE SPECIFICATION:**

In the Office action, page 3, numbered paragraph 5, the Examiner objected to the disclosure because no SEQ ID NOS were present after sequences on pages 7, 12, 27, 30-33 and 35-37.

The specification has been reviewed in response to this Office Action. Changes have been made to the specification only to place it in preferred and better U.S. form for issuance and to resolve the Examiner's objections raised in the Office Action. That is, SEQ ID NOS have been

added to the specification as indicated above on pages 7, 12, 27, 30-33 and 35-37. No new matter has been added with the exception that the SEQ ID NO. itself has been inserted in accordance with the Examiner's requirement under 37 CFR 1.821(d).

Hence, the disclosure is now submitted to be in allowable form under 37 CFR 1.821(d).

#### **REJECTION UNDER 35 U.S.C. §112:**

In the Office Action, at page 3, numbered paragraph 6, claims 5 and 6 were rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. This rejection is traversed and reconsideration is requested.

Claims 5 and 6 have been amended to insert the phrase ---as set forth in claim 1--- immediately after "the peptide" as suggested by the Examiner. Hence, claims 5 and 6 are respectfully submitted to be in patentable form under 35 U.S.C. §112, second paragraph.

#### **OBJECTIONS TO CLAIMS 1 AND 2:**

In the Office Action, at page 3, numbered paragraph 7, claims 1 and claim 2 were objected to because the Examiner submitted that at claim 1, line 1, "the" (second occurrence) should be deleted.

At claim 1, line 1, "the" (second occurrence) has been deleted as suggested by the Examiner. Hence, claim 1, and claim 2 which depends therefrom, are submitted to be in allowable form.

#### **REJECTION UNDER 35 U.S.C. §102:**

In the Office Action, at page 4, numbered paragraph 9, claims 1, 5 and 6 were rejected under 35 U.S.C. §102(e) as being anticipated by Montal et al. (USPN 6,251,854; hereafter, Montal). This rejection is traversed and reconsideration is requested.

Claim 1 has been amended to insert the terminology "with the proviso that said peptide does not comprise an amino acid sequence of SEQ ID NO 3, RRRRRR." Claims 5 and 6 have been amended to insert the phrase ---as set forth in claim 1--- immediately after "the peptide" as suggested by the Examiner (see above).

It is respectfully submitted that Montal does not teach or suggest "A peptide for inhibiting the activity of vascular endothelial growth factor, consisting of six amino acid residues which comprises arginine at the first, the fourth and the sixth positions from the amino end, one selected from arginine, lysine, and histidine at the second position, and one selected from arginine and lysine at the third and the fifth positions, with the proviso that said peptide does not comprise an amino acid sequence of SEQ ID NO 3, RRRRRR," as is recited in amended

independent claim 1 of the present invention. In particular, Montal does not teach or suggest the peptide of the present invention wherein said peptide does not comprise an amino acid sequence of SEQ ID NO 3, RRRRRR.

Hence, it is respectfully submitted that amended independent claim 1 of the present invention is not anticipated under 35 U.S.C. §102(e) by Montal et al. (USPN 6,251,854). Since claims 5 and 6 depend from amended claim 1 of the present invention, claims 5 and 6 are not anticipated under 35 U.S.C. §102(e) by Montal et al. (USPN 6,251,854) for at least the reasons amended claim 1 is not anticipated under 35 U.S.C. §102(e) by Montal et al. (USPN 6,251,854).

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

January 16, 2007

By:

Darleen J. Stockley  
Darleen J. Stockley  
Registration No. 34,257

1201 New York Avenue, N.W.  
Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501